

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JEROME HUTCHINS

Plaintiff,

v.

BIBB COUNTY SCHOOL SYSTEM,

Defendant.

Civil Action No.:

5:13-CV-72

ANSWER AND DEFENSES

COMES NOW the Bibb County School District, and files this its Answer and Defenses to Plaintiff's Complaint and shows the Court the following:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim and/or cause of action against Defendant upon which relief may be granted.

SECOND DEFENSE

No acts of the Defendant which are alleged as the basis of Plaintiff's Complaint have been done willfully, maliciously, recklessly or wantonly and, as such, any claim by Plaintiff for punitive damages and attorney's fees is barred.

THIRD DEFENSE

All actions taken by Defendant which form the basis of Plaintiff's Complaint were undertaken in good faith, without actual malice, willfulness, corruption or actual intent to cause injury to Plaintiff.

FOURTH DEFENSE

Responding to the numbered paragraphs of Plaintiff's Complaint, Defendant states as follows:

1.

Defendant can neither admit nor deny the allegations in paragraph 1 for lack of information or knowledge sufficient to form a belief as to the truth thereof.

2.

Defendant admits that principal offices of the Bibb County School District are located at 484 Mulberry Street, Macon, Georgia. In further response, Defendant shows that the School District is an educational institution with more than twenty employees. Except as stated, this paragraph is denied.

3.

Paragraph 3 requires no response of this Defendant. In further response, Defendant denies that it is liable to Plaintiff for the reasons set forth in the Complaint or otherwise.

4.

Responding to paragraph 4, Defendant denies any allegations, express or implied, of discrimination, wrongful termination or other wrongful act.

5.

Paragraph 5 is admitted.

6.

Paragraph 6 is denied.

7.

Paragraph 7 is denied.

8.

Paragraph 8 is denied.

9.

Responding to paragraph 9, Defendant admits that Plaintiff was hired after the beginning of the school year for the 2011-2012 school year as a seventh grade math teacher, that a professional development plan was developed for Plaintiff, that Plaintiff was notified that his contract for the 2012-2013 school year would not be renewed, that Dr. Pam Carswell retired at the end of the 2011-2012 school year, and that Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) on or about August 8, 2012. Defendant can neither admit nor deny the date of receipt of the "Notice of Right to Sue" letter from the EEOC for lack of information or knowledge sufficient to form a belief as to the truth thereof. Except as stated, this Paragraph is denied.

10.

Paragraph 10 is denied.

11.

Responding to paragraph 11, Defendant admits that Plaintiff filed charges with the EEOC on or about August 8, 2012. Except as stated, Defendant can neither admit nor deny this paragraph for lack of information or knowledge sufficient to form a belief as to the truth thereof.

12.

Paragraph 12 is denied. Specifically, Defendant denies that Plaintiff is entitled to the damages, expenses of litigation and attorney's fees, and other relief requested.

13.

All other allegations, contentions, claims or prayers for relief to which no response has been made are hereby expressly denied.

WHEREFORE Defendant, having fully responded to Plaintiff's Complaint, hereby pray that it be dismissed with all costs to be taxed to Plaintiff.

HALL BOOTH SMITH, P.C.

/s/ Malcolm C. McArthur

Malcolm C. McArthur
Georgia Bar No.: 480750

/s/ Andrea L. Jolliffe

Andrea L. Jolliffe
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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2013, I electronically filed this foregoing **Answer and Defenses** with the Clerk of the Court using the CM/ECF system and forwarded a copy of same via U.S.P.S. to the following:

Jerome Hutchins
2974 Forest Hill Road
Apartment 22
Macon, Georgia 31218

HALL BOOTH SMITH, P.C.

/s/ Malcolm C. McArthur

Malcolm C. McArthur
Georgia Bar No.: 480750

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